

# 2016-UNAT-635, Neocleous

## UNAT Held or UNDT Pronouncements

UNAT rejected the request for an oral hearing finding that the appeal had been clearly defined and that there was no need for further clarification. UNAT rejected the motion to file additional pleadings and additional evidence since the Appellant had failed to demonstrate any existence of exceptional circumstances that justified the need to file additional pleadings or to submit additional evidence. UNAT held that the motion only presented factual and legal contentions that reiterated arguments made in the appeal brief. UNAT further held that the Appellant had failed in his grounds of appeal to identify any errors of fact, law, jurisdiction, procedure, or competence on the part of the UNDT. UNAT held that the Appellant had just repeated the arguments presented before UNDT and found that the appeal had no merit. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision advising that he was ineligible for a National Professional Officer (NPO) post and was thus excluded from the recruitment process because he allegedly lacked relevant experience. UNDT found that the additional evidence submitted with the Applicant's closing submissions did not constitute substantive proof of verifiable work experience in the relevant field and did not affect the outcome of his case. UNDT found that the Administration had correctly assessed and calculated both the Applicant's post-qualification experience, and relevant professional experience. UNDT found that there was no evidence that the new Chief Civilian Personnel Officer's evaluation of the Applicant's work experience was biased or that she intended to exclude him from the recruitment process. UNDT found that the Applicant did not have any legal entitlement or legitimate expectation to be awarded the Position just because he had taken the written test and had been interviewed. UNDT further rejected all other claims.

## Legal Principle(s)

In instances where the eligibility criteria have been wrongly applied, the Administration has a duty and is entitled to rectify its own error. The Administration is entitled to correct erroneous decisions.

## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Neocleous

Entity

UNFICYP

Case Number(s)

2015-844

Tribunal

UNAT

Registry

New York

Date of Judgement

24 Mar 2016

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Evidence

Production of evidence

Procedure (first instance and UNAT)

Admissibility of evidence

Oral hearings

Staff selection (non-selection/non-promotion)

Eligibility

Selection decision

Applicable Law

UNAT RoP

- Article 10.1
- Article 18.1
- Article 31.1

UNAT Statute

- Article 8.3

Related Judgments and Orders

UNDT/2015/042

2014-UNAT-458

2010-UNAT-097

2010-UNAT-096

2013-UNAT-367

2010-UNAT-051

2014-UNAT-481

2015-UNAT-576

2015-UNAT-542

2015-UNAT-524